should be registered as an elector of that state unless able to read and write; but that no person who was on or before January 1, 1866, entitled to vote under any form of government, or who at that time resided in some foreign nation, and no lineal descendant of such person should be denied the right to register and vote because of such illiteracy. *Held*, that the provision is not contrary to the Fifteenth Amendment. *Atwater* v. *Hassett*, 111 Pac. 802 (Okla.). See NOTES, p. 388.

CONSTITUTIONAL LAW — PERSONAL RIGHTS — INVOLUNTARY SERVITUDE. — An Alabama statute provided that any person who, with intent to defraud his employer, obtained advances on a contract of personal service and failed without good cause to repay or to perform such service should be punished by fine; and the failure to repay or to perform was made *primâ facie* evidence of such fraudulent intent. The statute was attacked as violating the Thirteenth Amendment to the federal Constitution and the legislation thereunder. *Held*, that it is unconstitutional. *Bailey* v. *Alabama*, U. S. Sup. Ct., Jan. 3, 1911. See NOTES, p. 391.

CONSTITUTIONAL LAW — PERSONAL RIGHTS — LIMITATION OF CAMPAIGN EXPENSES AS AFFECTING CANDIDATES' RIGHT OF FREE SPEECH. — A primary election law provided that no candidate for nomination to office should expend more than fifteen per cent of the salary of the office on campaign expenses. Suit was brought against the Secretary of State to restrain him from certifying the names of candidates, on the ground that the statute was unconstitutional and void, in that it violated the right of free speech. *Held*, that the statute is constitutional. *Adams* v. *Lansdon*, 110 Pac. 280 (Idaho).

A limitation of campaign expenses, in so far as it interferes with a candidate's expressing his views, impairs his right of freedom of speech and publication, since anything making the exercise of a right less convenient or effective impairs it. *Cf. Ex parte Harrison*, 212 Mo. 88. The sovereign, like any employer, must necessarily be able to impose conditions on an employment, even though such conditions preclude the exercise of rights guaranteed by the Constitution. *McAuliffe* v. *New Bedford*, 155 Mass. 216. Yet this principle is not applicable to a candidate for office who has not yet become an employee. It has been stated that the right of freedom of speech enables one to publish anything if not blasphemous, seditious, obscene, or defamatory. *Ex parte Harrison*, *supra*. Such a rule, however, overlooks the right of a state, within its police power, to pass laws incidentally affecting rights guaranteed by the Constitution. *State* v. *Bair*, 92 Ia. 28; *Anderson* v. *State*, 96 N. W. 149 (Neb.). It is within the police power to impose conditions on the carrying on of certain forms of business where the public welfare is concerned. *State* v. *Bair*, *supra*. A condition on being a candidate for office is equally intended for the public welfare, and seems properly included within the scope of the expansive police power.

CONSTITUTIONAL LAW — PRIVILEGES AND IMMUNITIES: CLASS LEGISLATION — CLASSIFICATION ON BASIS OF WEALTH. — A statute, designed to protect poor immigrants from fraud, forbade private persons to engage in receiving deposits of money for safe-keeping or transmission without a license. Bankers whose average deposits per client for the preceding year were not less than $500, and those who should give a bond for $100,000 were exempted. It was attacked as unconstitutional on the ground of unjust and unequal classification. *Held*, that the objection is sound. *Lee* v. *O'Malley*, 69 N. Y. Misc. 215 (Sup. Ct.). *Held*, that the statute is constitutional. *Engel* v. *O'Malley*, U. S. Sup. Ct., Jan. 3, 1911.

Of the two decisions that of the United States Supreme Court seems clearly the better. In matters of classification the initial presumption ought always

to be strongly in favor of constitutionality. *Gundling* v. *Chicago*, 177 U. S. 183; *County of Mobile* v. *Kimball*, 102 U. S. 691. The New York court seems, on the contrary, to have thrown the burden of proof upon the state. It is difficult to believe that reasonable men could see no relation between the size of average annual deposits and the likelihood that the banker in question is dealing principally with persons of small means, unskilled in financial matters, who need the very protection this statute is designed to furnish. Nor does the requirement of a bond seem an unfair discrimination on a basis of wealth rather than integrity and discretion. Bonds are required in other occupations, as those of auctioneers, itinerant vendors, oleomargarine manufacturers, and liquor sellers. *Wiggins* v. *Chicago*, 68 Ill. 372; *State* v. *Harrington*, 68 Vt. 622; *Hawthorn* v. *People*, 109 Ill. 302. Nor does it seem unreasonable on principle to consider the ability to furnish security an index of that stability and trustworthiness which ought to be possessed by those who as bankers occupy a fiduciary relation to the public.

COVENANTS RUNNING WITH THE LAND — COVENANT TO ISSUE PASS. — A and B granted a right of way to the C railroad on condition that the company should issue annual passes to A and B during their several lives. There was a covenant by the grantee, for itself and assigns, to perform the condition. The D company bought the road at a foreclosure sale, and refused to issue a pass to the successors of A and B. They sought to compel specific performance of the covenant. *Held*, that the decree will be granted. *Munro* v. *Syracuse, Lake Shore, & Northern R. Co.*, 200 N. Y. 224.

Covenants to issue passes have usually been held to be purely personal, and not binding on the assigns of the covenantor. *Helton* v. *St. Louis, Keokuk, & Northwestern R. Co.*, 25 Mo. App. 322; *Eddy and Cross, Receivers*, v. *Hinnant*, 82 Tex. 354. A covenant to pay rent, however, will run with the land, even though the grant be in fee. *Van Rensselaer* v. *Hays*, 19 N. Y. 68. The court in the principal case decides that the covenant to issue a pass is in the nature of a covenant for perpetual rent. Rent may be paid in service, and free passage over a trolley road might be considered a service paid as compensation for the use of the land. *Cf. Dunbar* v. *Jumper*, 2 Yeates (Pa.) 74. But rent is a charge payable periodically throughout the duration of the estate. See 2 MINOR, INSTITUTES OF COMMON AND STATUTE LAW, 4 ed., 40. *Cf. Nehls* v. *Sauer*, 93 N. W. 346 (Ia.). In the principal case, the covenant is to issue passes during the several lives of the grantors, while the grant is in fee. If the covenant is not to pay rent, it does not run with the land, and the plaintiff is not entitled to this remedy. His proper course is to exercise his right of reentry for condition broken.

ELECTIONS — PLURALITY OF VOTES CAST FOR A DISQUALIFIED PERSON. — At a direct primary election a plurality of the votes was cast for a man who had died after his name had been placed upon the ballot, but ten days before the election. The fact of his death was widely published together with a statement urging votes for him, as it was believed that, by statute, if a plurality of votes was cast for him, a vacancy would be created which could be filled with another man of his political beliefs. The relator obtained the next highest number of votes and sought to compel the defendant to certify his name as nominee. *Held*, that the statute does not apply and that the relator is entitled to be so certified. *State ex rel. Bancroft* v. *Frear*, 128 N. W. 1068 (Wis.). See NOTES, p. 393.

EXTRADITION — INTERNATIONAL EXTRADITION — OFFENSES OF A POLITICAL CHARACTER. — The prisoner, a member of a revolutionary party in Russia, which had perpetrated many acts of violence, killed a constable. The constable